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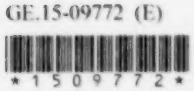

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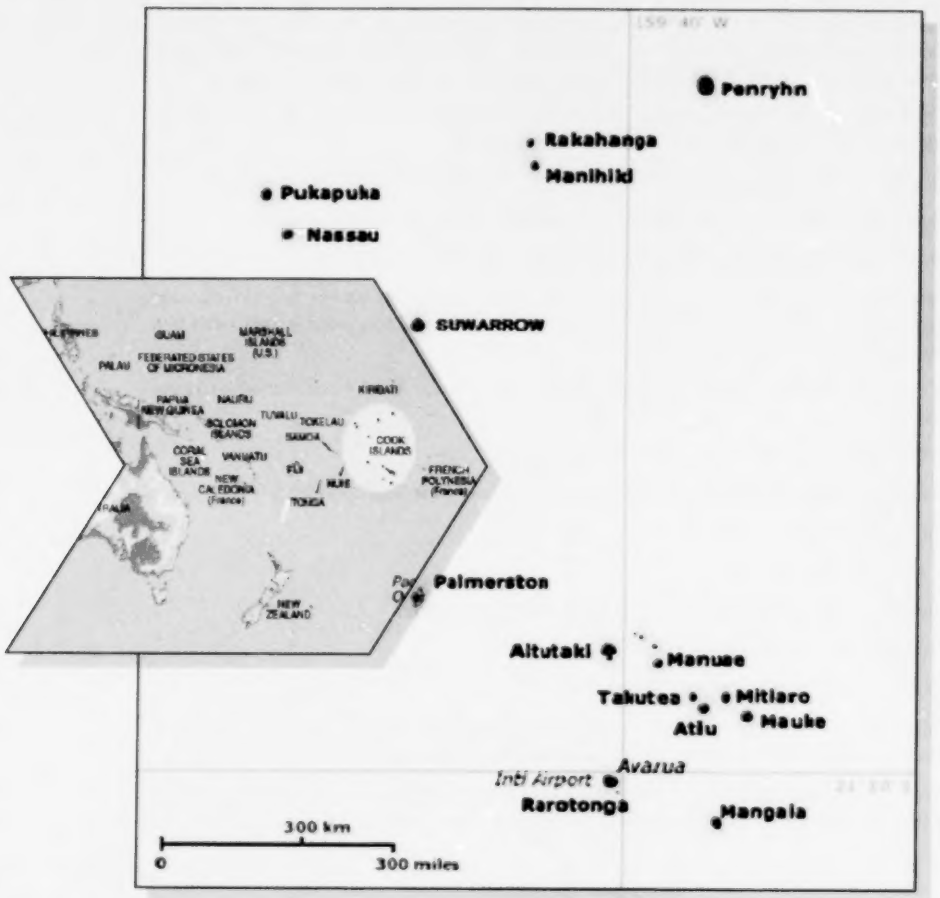
Map of the Cook Islands



I. General factual and statistical information

A. Demographic, economic, social and cultural characteristics

1. Historical background

1. The Cook Islands was named after Captain James Cook, of the Royal British Navy who, between 1773 and 1777, was the first recorded European to land on and survey a number of the islands now bearing his name.

2. Representatives of the London Missionary Society began arriving in the Cook Islands in 1821. With the early conversion of a number of important Ariki (chiefs), support for Christianity increased rapidly throughout the Southern Group. Working through the Ariki, the missionaries drew up draft legal codes which, together with abolition of violence as a means of dispute settlement, led to unprecedented political stability.

3. From 1901 (when it was annexed by New Zealand) to 1965 the Cook Islands was a dependent territory of New Zealand. In 1965, the Cook Islands exercised its right of self-determination and entered into a relationship of "Free Association" with New Zealand. That relationship has remained an evolving one of partnership, freely entered into and freely maintained, with both countries respecting the right and freedom of the other to pursue their own national policies and interest.

2. Geography

4. The Cook Islands consists of 15 widely-dispersed islands in the South Pacific Ocean between French Polynesia and Fiji. Rarotonga is approximately 3,010 kilometres northeast of Auckland, 1,140 kilometres southwest of Tahiti, 2,300 kilometres east of Fiji and 4,730 kilometres south of Hawaii. The total land area of the country is 240 square kilometres, while the Cook Islands Exclusive Economic Zone covers a maritime area of nearly 2 million square kilometres.

5. The country is broadly divided into Southern and Northern Groups. The Southern Group, comprising Rarotonga (the main island), Aitutaki, Atiu, Mangaia, Manuae, Mauke, Mitiaro, Palmerston and Takutea, are all (except the small atolls of Manuae and Palmerston, and Takutea, a sandy key) of high volcanic formation (up to 652 metres on Rarotonga) with fertile soils and lush tropical vegetation. The Southern Group represents about 90% of the total land area of the Cook Islands; Rarotonga being the largest island (6,719 hectares) and Takutea, the smallest (122 hectares).

6. The Northern Group comprises Manihiki, Nassau, Penrhyn, Pukapuka, Rakahanga and Suwarrow, all except Nassau (a sandy key) being low-lying coral atolls with sparse vegetation (coconut and pandanus trees etc.) and large lagoons. Penrhyn is the largest island (984 hectares) and Suwarrow, the smallest (40 hectares).

7. The closest outer island to Rarotonga is Mangaia (204 kilometres distant) while the farthest is Penrhyn (1,365 kilometres away). The two most widely-separated islands of the country are Pukapuka, in the Northern Group, and Mangaia in the Southern Group (1,470 kilometres apart).

Climate

8. The Cook Islands is situated between 9 and 22 degrees south (longitude) and possesses a tropical oceanic climate with two seasons. The drier months, from April to November, have an average maximum temperature of about 26 degrees centigrade and an

average minimum temperature of about 20 degrees centigrade. The wetter, more humid months, from December to March, have an average maximum temperature of 28 degrees centigrade and an average minimum of 22 degrees centigrade. During the latter season, the Cook Islands are subject to occasional severe tropical storms and even hurricanes being in the "South Pacific cyclone belt".

9. In the Northern Group, the uninhabited atoll of Suwarrow (1.6 km^2) has been a national park since 1975, in the Southern Group the uninhabited sandy key of Takutea (1.2 km^2) is a wildlife sanctuary.[1]

3. People, language, custom and tradition

10. The indigenous population is the Cook Islands Maori, Polynesians closely-related ethnically to the indigenous population of Tahiti and nearby islands and to the New Zealand Maori.

11. The Cook Islands has two official languages: English and Cook Islands Maori. The Cook Islands 2011 Census of Population and Dwellings found that 90% Cook Islands Maori people were able to hold an everyday conversation or read and write in both Cook Islands Maori and English. For those who are part Cook Islands Maori, only 40% were able to converse in Cook Islands Maori; whereas almost 100% could converse in English. Over 90% of the population is able to speak English.

12. The Cook Islands Maori culture predominates throughout the country, although there is more of a mixture of Maori/European culture on Rarotonga. Cook Islands social organisation and culture being firmly rooted in the land, it was decided in the 1800s that permanent alienation of land would be prohibited in order to maintain social and cultural stability. However, land is very commonly leased for up to 60 years, particularly on Rarotonga, for both house sites and commercial purposes. Land title in the Cook Islands is acquired through succession rights at birth, from both the Mother and Father's Family, if they are Cook Islands Maori.

4. Religion

13. Since the second half of the 19th Century the overwhelming majority of the population has been Christian. Recent statistics (Cook Islands 2011 Census of Populations and Dwellings) on Christian religions are as follows: Cook Islands Christian Church 49% (7,356), Roman Catholic 17 per cent (2,540), Seventh Day Adventist 8% (1,190), Church of Latter Day Saints of Jesus Christ 4% (656), Assembly of God 3.7% (557), Apostolic Church 2% (310) and others[2] 16.1 per cent.

14. The Cook Islands Religious Advisory Council, founded in 1968, was set up to discuss vital religious issues, consisting of six church denominations: Cook Islands Christian, Roman Catholic, Church of Latter Day Saints of Jesus Christ, Seventh Day Adventist, Assembly of God and Apostolic Church. Government may refer religious matters for the Council to review, seek views from the Council perspective, when public reaction over statements or programmes made through the news media, TV, radio, and community has religious connotations.

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[1] Te Ipukarea Society (an environmental non-governmental organisation) project Report.

[2] Definition of others – No religion, other religion and not stated, Cook Islands Census Report 2011, Table 2.4.

5. Population

15. The total population of the Cook Islands, as enumerated on 1 December 2011, was 17,794 people consisting of 8,815 men and 8,979 women. This population count reflects a decrease of 1,548 people, or 8 per cent, compared to 2006 Census of 19,342 people.

16. The 2011 resident population was 14,974 persons (7,490 males and 7,484 females); showing that on Census night 2011 there were 2,820 temporary visitors in the Cook Islands. The distribution of the total population varies considerably by region. 74% (13,095) live in Rarotonga, 20% (3,586) live in the Southern Group islands and 6% (1,113) in the Northern Group islands. The population density varies widely by island. While there are about 347 people per km^2 in Pukapuka, there are only 8 people per km^2 living in Mitiaro Island. The population density of Rarotonga is 195 people per km^2.

Table 1
Resident population by island, sex and broad age groups, 2011

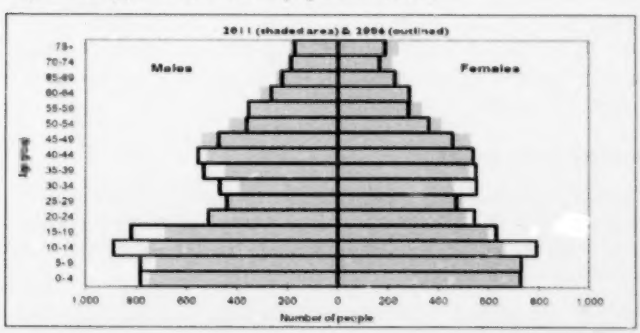
	Total	*Total*		*0-14*		*15-44*		*45-59*		*60 and over*	
Region	*Persons*	*M*	*F*	*M*	*F*	*M*	*F*	*M*	*F*	*M*	*F*
Cook Islands	14,974	7,490	7,484	2,220	2,112	3,003	3,127	1,316	1,274	951	971
Rarotonga	10,572	5,278	5,294	1,471	1,398	2,241	2,353	923	913	643	630
Southern Group*	3,290	1,635	1,655	537	499	544	587	295	279	259	290
Northern Group	1,112	577	535	212	215	218	187	98	82	49	51

*(excl. Rarotonga); M = Male and F = Female.
Source: Cook Islands 2011 Census of Population and Dwellings.

(a) Age and sex structure of the population

17. The age and sex composition of the resident population shows the effects of declining fertility — there are fewer women in the Cook Islands having fewer children — and migration, especially for young women and men. The Cook Islands population is getting older, and in 2011 9% of the population was aged over 65 years with slightly more older women than men. The 2011 pyramid for the Cook Islands has a narrowing in the base for the 0–4 year age group showing the declining number of births, followed by a noticeable narrowing in the years through 20–39 for both males and females showing the effects of out migration. It shows that the population growth rate has decreased since 2006.

Figure 1
Population pyramid, resident population, 2011



Source: Cook Islands 2011 Census of Population and Dwellings.

18. Just over half the resident population is under 30 years, which makes the Cook Islands a young nation. The break down figures are under 15 years: (4,332), 15-29 years (3,242), 30-49 years (3,958), 50-64 years (2,100), 65 and over (1,342), see Table 1.

19. There is a balance in the sex ratio of the resident population, and half of the population is female. Males outnumber females among children and youth, but females predominate among adults. More males are born than females, but males have higher mortality rates than females at all ages, particularly at 20-29 years. At older ages, the difference reflects higher male mortality rates.

(b) Ethnic composition

20. People of Cook Islands Maori ethnicity make up almost all of the resident population by ethnic group in 2011. Table 2 shows more details of the diversity of the population ethnicity.

Table 2
Cook Islands population ethnic composition, 2011

Ethnic Group	***Total***	*%*
Cook Islands Maori	**12,180**	81%
Part Cook Islands Maori	**1,005**	7%
New Zealand European	**510**	3%
New Zealand Maori	**125**	1%
Australia	**101**	1%
Fiji	**376**	3%
Other Pacific Country	**172**	1%
Philippines	**173**	1%
Other Asian Groups	**83**	1%
Rest of the World	**249**	2%
Total	**14,974**	**100%**

Source: Cook Islands 2011 Census of Population and Dwellings.

21. The Cook Islands 2011 Census of Population and Dwellings shows that 71% of the population (10,572) live on Rarotonga, the centre of commercial and government activities. 22% (3,290) live on other Southern Group Islands and 7% (1,112) live on the Northern group. Aitutaki has the second largest population (1,171). Palmerston has the smallest population (60). Puka,puka is the most densely populated (347) people per square kilometre. Mitiaro is the least populated (8) people per square kilometre.

6. Private households housing characteristic

22. A total of 4,372 private dwellings were occupied on Census night in 2011, compared to 4,237 in 2006, a slight increase of 3.2% (135 dwellings). Outer Islands (Southern and Northern Group) experienced a 9% decline in occupied dwellings but this was offset by the increase in Rarotonga dwellings of 8.8 per cent.

23. Household size and composition – on average household size declined from 3.7 persons per household in 2006 to 3.5 persons in 2011. The notion is that Cook Islanders

are moving away from living in extended family households, towards more nuclear type of family homes. Rarotonga has the smallest household size with 3.5 persons per household, down from 3.7 in 2006.

24. Dwelling tenure: of the 4,372 private dwellings in the Cook Islands, 55% (2,421) were owned outright, a 10% decline from 2006. As expected, a higher majority of houses on the outer islands are owned outright compared to those on Rarotonga. People on Rarotonga have greater access to financing opportunities and a higher proportion of dwellings that have a direct loan or mortgage repayment commitments. Rented dwellings totaled 742 compared to 659 in 2006, an increase of 12.6% over 2006. Of the rented dwellings, 718 (96.8 per cent) were located on Rarotonga.

7. Fertility

25. Analysis of the Census data shows the average annual number of births has increased from about 290 (2001-2006) to about 350 births during the period 2006-2011, and the Total Fertility Rate (average number of births per woman) has increased from 2.5 in 2006 to about 2.8 during the period 2006-2011. The number of births from the Census includes children born outside the Cook Islands. The Crude Birth Rate (the number of births in a given year for each 1,000 people) averaged at 22.9 per year for the period 2006-2011. From the 2011 Census data the mean age at childbearing was estimated at 27.0 years, and the teenage fertility rate, the average number of births of women aged 15-19 has been estimated at about 51 births per 1,000 women aged 15-19. Teenage fertility in the Cook Islands has been declining since 1996 from 82 births per 1,000 women to the present 2011 level.

26. In 2012, 5% of births delivered in Rarotonga were from mothers residing in the Outer Islands as part of the referral programme for "at risk" pregnancies, compared to 13% in 2011.

8. Cook Islanders experiencing disability

27. In 2011, an estimated 296 Cook Islanders reported that they live with a disability, 169 males and 127 females. As is common, disability increases with age. The prevalence of disability ranged from 7.4% among children (0-14 years) to 28% of among people aged 51 years and over. In 2014, the National Disability Council reported that there are 148 persons with disabilities living in the outer islands, attending and/or supported by Disability Centre's and Committees, 67 are males and 81 females.

28. For children with disabilities, conditions or health problems that existed at birth and disease were the most common causes. For adults, ageing, disease (stroke/diabetes/cardiac), accidents and injuries were the most common causes of disability.

9. Economy

29. The four main sectors of the Cook Islands' economy are tourism, agriculture, marine resources and financial services.

30. Tourism is the key driver of our economy. From a few hundred visitors in 1971, visitor arrivals have grown to over 120,000 in 2013. Although the industry is very much concentrated on Rarotonga, the island of Aitutaki has developed into an important secondary centre. According to recent estimates, tourism and service industries, many of which are related to tourism, have generated in excess of NZ$200 million annually in revenue, roughly half of the country's gross domestic product (GDP).

31. Commercial agriculture is concentrated on the more fertile islands of the Southern Group which produce a range of fruit and vegetables, including taro (a root crop and a staple in the local diet) and bananas, both for the domestic market and for export.

32. Marine resources are also of great importance, both for subsistence (consumption by the household) and commercial purposes. The commercial fishery has three main components: (i) a small artisanal fishery; (ii) a growing lagoon and aquaculture fishery; and (iii) a largely undeveloped commercial large scale fishery. The commercial lagoon fishery comprises primarily the culture of black pearls on the Northern Group islands of Manihiki and Penrhyn and trochus shell in the Aitutaki lagoon. The main economic benefit derived from fishing activities continues to be the revenue received by the Ministry of Marine Resources from treaties and fishing licenses – estimated at NZ$4.9 million in 2013/14.[3]

33. Non-living marine resources (polymetallic nodules) have been found in great abundance on the sea floor of the Cook Island's Exclusive Economic Zone. Studies on various aspects of recovery and processing of the resources are currently underway.

34. The Cook Islands offshore centre was established in 1981 initially targeting markets in Australasia and driven by merchant banking transactions. In 1989 the Cook Islands became the first country to introduce asset protection laws and it remains the leading jurisdiction for asset protection trusts. This industry now dominates the financial centre. The thriving offshore industry is a major contributor to total government revenue. The Cook Islands International Companies Act 1981 (ICA) governs the formation and activities of international companies, otherwise known as IBC's, Offshore Companies, or Offshore Corporations. The ICA allows companies to be formed and operated with both flexibility and administrative ease. International companies are exempt from all tax in the Cook Islands.

35. Official Development Assistance (ODA) extended by bilateral and multilateral Development Partners constitutes a significant component of national public expenditure. The principal bilateral sources of ODA are New Zealand, Australia and the People's Republic of China, while multilateral partners include Pacific regional organisations, the United Nations Development Programme and specialized United Nations agencies, the Asian Development Bank (ADB) and the Commonwealth Fund for Technical Co-operation (CFTC).

36. Labour force characteristics: in 2011 10,642 residents are aged 15 years and older, 71% (7,554) are economically active and 3,088 are not economically active, including full time students; persons who were retired, and those engaged in full time home duties. The labour force participation rate for males is 77% and for females 65% (2011). About 92% (6,938) of the population in the labour force was employed: the other 8% (616) were unemployed. Women make up 47% of the labour force.

37. The average annual income of Cook Islands residents aged 15 years and over from the Cook Islands 2011 Census of Population and Dwellings estimates is NZ$15,028; NZ$16,848 for males and NZ$13,243 for females. Income levels in Rarotonga are more than double that in the Outer Islands. Over 13% of the population 15 years and older has no income, while 4% have an income of more than NZ$50,000 per annum.[4]

38. The Cook Islands is a small open economy that is largely dependent on tourism. Consumer preferences and economic growth in the major tourist source market of New Zealand has a major impact on economic performance. This, combined with the reliance on

[3] Extract from the Cook Islands 2013/14 Half Year and Fiscal Update, Ministry of Finance and Economic Management.

[4] Cook Islands 2011 Census of Population and Dwellings.

imports for local consumption and use of the New Zealand dollar, makes the Cook Islands economy extremely vulnerable to external price shocks. The tourism sector has benefitted the Cook Islands greatly, but a lack of economic diversity or economies of scale makes growth fragile and reversible, and labour market constraints across multiple sectors in the economy still present major constraints for economic growth.

10. Unemployment

39. In the Cook Islands, unemployment rate is defined as the number of people who were available for work and were actively seeking for work. There were 616 people reported as unemployed in the Cook Islands 2011 Census of Population and Dwellings; 331 males and 285 females. This translates into an unemployment rate of 8.2% for males and 8.1% for females. Young women and men make up about one third of all unemployed men and women. The highest unemployment rate is in the Southern Group, but overall the largest number of unemployed persons is in Rarotonga.

40. Nominal or current price, GDP (which includes inflation) is estimated to have grown at 3.7% in 2012/13, short of the 5.7% initially forecast. This was due to weaker than expected tourism arrivals growth. Growth is expected to improve to 5.0% in 2013/14, due largely to the major water and renewable energy projects and the implementation of tax reform and a slight slowing in tourism growth. GDP growth is forecast to fall to 2.3% in 2014/15 and 0.6% in 2015/16 due to a significant projected reduction in the aid profile in those years.[5]

[5] Extracted from the 2013/14 Half Year Economic and Fiscal Update, Ministry of Finance and Economic Management.

Table 3

Key economic indicators of the Cook Islands, financial year 2011/12 – 2016/17

Economic Indicators	2011/2012 Actual	2012/2013 Estimate	2013/2014 Projected	2014/2015 Projected	2015/2016 Projected	2016/2017 Projected
Economic Activity						
Nominal GDP ($'000)	370,909	384,764	404,179	413,467	415,946	430,488
Percentage change (YOY)	3.5	3.7	5.0	2.3	0.6	3.5
Real GDP (at Constant 2006 Prices, $'000)	319,728	323,259	324,766	322,821	315,083	316,385
Percentage change (YOY)	0.7	1.1	0.5	-0.6	-2.4	0.4
Inflation						
Consumer Price Index (base Dec. 2006 = 100)	121.7	124.9	130.6	134.4	138.5	142.8
Percentage change (YOY)	2.8	2.6	4.6	2.9	3.1	3.1
Construction/Capital Investment						
Commercial Building Approvals ($'000)	2,975	1,859	1,859	1,859	1,859	1,859
Residential Building Approvals ($'000)	5,887	6,161	5,495	4,901	4,371	3,898
Public Works ($'000) (includes Dev Partners)	34,011	23,847	33,116	23,340	12,488	-
Productive Sector Indicators						
Visitor Arrivals	116,639	120,700	123,800	127,200	130,800	134,100
Percentage change (YOY)	7.3	3.5	2.6	2.7	2.8	2.5
Estimated Visitor Expenditures ($'000)	208,432	221,200	236,600	250,300	265,300	280,300
Pearl Exports ($'000)	639	550	550	550	550	550
Fish Exports ($'000)	3,105	2,564	2,560	2,560	2,560	2,560
External Sector						
Merchandise Trade Balance ($'000)	(138,075)	(138,193)	(138,600)	(139,400)	(140,400)	(140,400)
Services Trade Balance ($'000)	208,432	221,200	236,600	250,300	265,300	280,300
Exchange Rate (USD/NZD Average, March 2013)	0.757	0.805	0.822	0.830	0.830	0.830
Financial Sector (at end of financial year)						
Government Net Debt Position ($'000)	16,178	58,244	71,703	75,444	60,833	41,241
Private and Public Enterprise Deposits ($'000)	191,974	228,949	-	-	-	-
Private and Public Enterprise Loans ($'000)	286,213	280,364	-	-	-	-

Source: Extracted from the 2013-14 Half Year Fiscal Economic Update, Ministry of Finance and Economic Management.

11. Banking and finance

41. As of 1st July 2003, the Financial Supervisory Commission (FSC) replaced the former Off-Shore Financial Services Commission. The Financial Supervisory Commission Act 2003 established the powers of the FSC and outlines their functions as the licensing, regulating and supervising of banks in the Cook Islands. The FSC is an independent body responsible for the supervision of all regulated financial entities and financial services in the Cook Islands. It is also the licensing authority for all financial institutions (banks, insurers, money-changing and remittance businesses and trustee companies). There are four domestic banks and three of these banks also have international banking licenses (see Table 3).

Table 4

Listing of banks in the Cook Islands, 2014

Banks	*Domestic*	*International*
ANZ Banking Group Limited	√	√
Bank of the Cook Islands Limited	√	

Banks	*Domestic*	*International*
Capital Security Bank Cook Islands Limited	√	√
Westpac Banking Corporation	√	√

42. The Bank of the Cook Islands is 100% Cook Islands Government owned. On 19 November 2003, the Bank of the Cook Islands Act 2003 was passed to establish Bank of the Cook Islands Holdings Corporation and to provide for the incorporation and establishment of Bank of the Cook Islands Limited.

43. The National Superannuation Fund (under the provisions of the Cook Islands National Superannuation Act 2000) is designed to provide members with a pension during retirement or disability and a spousal pension in case of death. Membership of the Fund is compulsory for all people working in the Cook Islands or employed outside the Cook Islands by an employer resident in the Cook Islands, unless they qualify for a specific exemption.

12. Health

44. Cook Islanders have a reasonable standard of health, relative to the health status of other Pacific countries, with adequate health coverage in each island, high immunization rates throughout the country, no maternal deaths and low infant mortality rates, and basic medical resources to meet the needs of the population.

45. The Cook Islands health care system (public and private) has provided a range of primary, secondary, and tertiary health services for Cook Islanders for many years, some of these provided by visiting specialists. The referral of patients within the Cook Islands as well as New Zealand has developed to a level where Cook Islanders are able to access an almost complete range of medical and surgical services. There are increasing numbers of patients presenting with chronic diseases and complications from cardiovascular disease, diabetes, cancer, renal failure, stroke, as well as multiple injuries from road traffic crashes, the majority of which are alcohol related. These represent a myriad of ailments requiring tertiary level services that the Cook Islands health system currently cannot viably provide in-country. The referral system to New Zealand therefore is an important conduit to meet these needs. This Patient Referral Policy sets the direction for the future enhancement of this system, increased efficiency and access to quality, safe, seamless and sustainable services, and improved population health outcomes.

46. However, there are growing problems facing the Cook Islands with regard to non-communicable diseases (NCDs) such as cancers, diabetes, cardiovascular diseases, hypertension, obesity and their associated risk factors (e.g. tobacco smoking, excessive alcohol consumption, physical inactivity and poor diet). NCDs are the main cause of mortality. There is currently no locally available treatment for advanced diabetes (dialysis) and such patients are referred to New Zealand for ongoing treatment.

47. NCDs also dominate morbidity, with major conditions including circulatory system diseases, respiratory system and endocrine ailments, and nutritional and metabolic diseases. The Cook Islands' STEPS survey (World Health Organization) report showed that in 2003–2004, in the adult population aged 25–64 years, the prevalence of obesity was 61%, prevalence of hypertension was 33%, prevalence of diabetes was 24%, and prevalence of elevated blood cholesterol was 75%.

48. Combined risk factor – the survey[6] found that 0.3% of the population had zero risk factor for NCDs, compared with 23.1% at moderate risk and 76.6% at high risk. By aged 25–44 years, the majority of Cook Islanders (75.1%) already reported having 3 or more risk factors. By aged 45–64 years, 83.8% of men and 77.1% of women had 3–5 NCD risk factors.

(a) Life expectancy and mortality

49. In 2011, the life expectancy at birth was 75 years; 72 years for males and 78 years for females. This compares with estimates of 69.5 and 76.2 years for males and females for the period 2001–2007; and with estimates of 68.0 and 74.3 years for males and females for the period 1996–2002. Crude death rates remain below 10 per 1,000 with 6.4 reported for 2009.[7]

50. The infant mortality rate based on the calculated life tables is estimated at 13.2 and 7.0 for males and females, respectively, which is considerably lower than those calculated for the period 2001–2007, when it was 18.5 and 9.0 for males and females respectively. The infant mortality rate is a measure of the number of deaths of children under one year of age per 1,000 live births.

51. Child mortality on the other hand is a probability of dying between age 1 and age 5, and was estimated at about 3 male deaths and 4 female deaths per 1,000 people of that age. This is compared to 3 male deaths and 6 female deaths estimated for the period 2001–2007.

52. Under 5 mortality, the probability of dying between birth and age 5, was estimated at about 16 and 11 for males and females, respectively per 1,000 population.

53. The above mortality indicators are as expected. The indicators continue the improving mortality trend as reported in previous census reports which show more positive mortality indicators for females than for males, with females living longer, on average almost 7 years longer, than males.

(b) Major causes of death in the Cook Islands

54. Diseases of the circulatory system have been the main cause of death recorded for the last five years, with 38.1% (43 cases) in 2012 showing an increase from the 31.5% (34 cases) in 2011. Overall, more males are dying than females, ranging from 53 to 65% in each year between the years 2008 and 2012, but again there is high annual variation in this.

Table 5
Percentage distribution of main cause of death, 2011–2012

Cause of death	*2011 (%)*	*2012 (%)*
Hypertension	15	4
Chronic respiratory disease	8	11
Cancer	14	23
Diabetes	19	11
Heart disease	17	34
Injuries	11	7
Other	16	10

Source: Ministry of Health.

[6] Cook Islands NCD Risk Factors STEPS REPORT 2004.
[7] Cook Islands Ministry of Health – Statistical Bulletin 2012, published in December 2013.

55. Injuries are mostly the result of motor vehicle transport accidents, of which there were 286 accident victims in 2012 utilizing hospital services for treatment. Only 15% of these accident victims were patients admitted for further treatment. Almost 63% of admissions were for alcohol related accidents, an increase of 10% from 2011 despite a significant road safety campaign. The victims of transport accidents involving alcohol are mostly young males aged 15 to 24 years and driving motor bikes.

(c) Maternal mortality

56. There has been no case of maternal mortality recorded by the Ministry of Health since 1993. The early identification of "at risk" mothers and referral to higher level health facilities is very effective.

(d) Selected communicable and non-communicable diseases trend

57. The prevalence of registered cases of non-communicable diseases (NCDs) in 2010 was 27.1%, 2011 was 23.3% and in 2012 was 26.0%, which indicates a steady increase of the prevalence of NCDs amongst the resident population of the Cook Islands. There were 119 newly identified cases of cancers from 2006 to 2012, averaging 17 cases a year with almost 60% being women. 81.6% were reported those aged 45 years and over with 36.8% for those aged 65 and over in the years from 2008 to 2012.

58. The Ministry of Health Statistics Bulletin 2012 reports that chlamydia continues to be the most identified sexually transmitted infection in the last five years as a result of a pilot screening program implemented in the hospital setting. The Cook Islands now has the capacity to conduct in-country screening and confirmatory HIV testing.[8]

(e) Mental health services

59. Te Kainga O Pa Taunga (Te Kainga) Mental Health and Wellbeing Centre was established in 2004 and since then over 1,000 people have used the service to get assistance. Annually, over a 100 people utilize their services for various mental health issues or illness, for support, treatment and counseling. Between January 2013 and June 2014, 193 people were helped by Te Kainga, however during a year these clients have up to 3,000 different contacts for assistance. 20 people on average go to the centre, 3 days a week (lack of resources is a major concern during these centre sessions). Generally, more women than men seek assistance from the centre for various reasons relating to mental health. Men do not generally seek out assistance for mental health issues or illnesses but they have higher rates of suicide and premature death.[9]

60. The Ministry of Health, Police, Probation Services, Social Welfare, Prison Services and other Government agencies all refer persons requiring assistance with mental illness to the Centre. Other referrals are from family, friends, lawyers and voluntary admissions. Clients include young and old, men and women.

61. Intentional self-harm (including suicide) has become an issue of concern for the Cook Islands given that 67% of cases are under the age of 24 years. The period of 2008 to 2012 saw three (3) males and three (3) females respectively within the age group of 15 to 24 years end their life through means of intentional self-harm.

[8] Cook Islands Ministry of Health – Behavioural surveillance survey among youth in the Cook Islands 2012.

[9] Anecdotal Report from Te Kainga Mental Health Centre 2014.

(f) Contraception use

62. The Ministry of Health promotes the use of contraceptives in publicity campaigns and the Cook Islands Family Welfare Association provides some family planning services. The contraceptive prevalence rate for modern means ranges from 30 and 35 percent. Contraception is provided for a minimal charge from the Ministry of Health. The following table shows the methods of contraception commonly used by women from 2006 and 2012.

Table 6
Current female users of family planning, type of contraceptive, 2006–2012

	YEAR						
Contraceptive Type	2006	2007	2008	2009	2010	2011	2012
All Methods	1,271	1,289	1,263	1,237	1,290	1,146	1,130
Prevalence Rate (%)	33.9	34.4	33.7	33.0	34.4	31.4	30.9
Oral Contraceptive (Pills)	562	681	581	575	588	514	436
Intra Uterine Device	9	17	15	9	12	40	59
Depo Provera (Injections)	592	487	571	565	576	494	487
Norplant	20	31	24	29	35	70	86
Condom	72	30	38	34	42	18	15
Others	16	43	34	25	37	10	47

Source: Ministry of Health, Statistical Bulletin 2012.

(g) HIV/AIDS

63. As of December 31st 2012 Cook Islands has reported a total of 3 HIV cases. These were recorded in 1997, 2003 and 2010. It is suspected that infection for all 3 cases occurred outside of the Cooks. The only case that was diagnosed in the Cook Islands was in 2010. None of these cases currently live in the Cook Islands. 2,490 HIV tests 14 were conducted in 2010/2011 with only 1 positive identified and 1,300 were conducted in 2012.[10]

(h) Abortion

64. The Crimes Act 1969 makes abortion in the Cook Islands illegal, except on limited grounds. The grounds are that an abortion is necessary to protect the life of the mother, or when the pregnancy is the result of incest or abuse. The Ministry of Health does not have any policies for the termination of an unwanted pregnancy, but estimates that five are performed per year. Women wanting an abortion are referred to the obstetrician or gynaecologist at the hospital following counselling by the Cook Islands Family Welfare Association and are then referred to New Zealand at their own cost. Anecdotal evidence suggests that women wanting an abortion tend to travel to New Zealand for this service. There are no statistics on the number of women who do so.

[10] Cook Islands Ministry of Health – Behaviour Surveillance Survey among youth in the Cook Islands 2012

(i) Weight assessment

65. The 2012 Cook Islands Public Health Nurses School Physical Health Examination measured the weight and height of school children, and the results show that obesity is a concern. Of the 1,879 school children examined, 73% are a healthy weight, 27% are overweight and 1% are underweight. Secondary schools continue to show the highest percentages of overweight children with 31% in 2012, and 32% in 2010. In primary schools the percentage of overweight children is 26%, an increase from 20% in 2010, this is a concern.

13. Education

66. The Education Act 2012 provides for universal education for all children. School is compulsory for all children between 5 and 16[11] years of age. Failure to enrol a child is an offence. The Act provides equal opportunities for all to access education facilities and services. In 2013, there are 31 schools including 1 stand-alone early childhood education centre, 11 primary schools (10 of which have early childhood education centres attached), 4 secondary schools and 15 Area Schools[12] (all with early childhood education centres). 23 schools are government and 8 are privately administered (5 church and 3 private schools). All 8 private schools receive 100% of the equivalent allocation of government schools from the national education budget.

67. Education is "free" in that students are provided with the first lot of stationery and basic items such as books, pencils and rulers. Payment of school fees is not compulsory. All primary school students (Grade 1–6) follow a set programme of courses focused on the strengthening of literacy and numeracy, however secondary school students (Forms 1–7) are able the choose some courses of study apart from the compulsory courses. Students are made aware of all optional subjects available. The Cook Islands ranks highly on the human development index for educational participation by girls.

68. The primary cycle of education is Year 1 to Year 6 and secondary is from Form 1 to Senior Level 3 (the same as the New Zealand system). The majority of children enrolled in Year 1 have attended some form of early childhood education, 90% in 2011. Cook Islands primary and secondary education is based on the New Zealand system in its structure content and compulsory attendance.

Table 7
Student enrolments, level of schooling, 2013–2014

	2013			*2014*		
Student Enrolments	*Male*	*Female*	***Total***	*Male*	*Female*	***Total***
Early childhood education	265	248	**513**	228	232	**460**
Primary	904	889	**1793**	934	909	**1843**
Secondary	862	884	**1746**	863	855	**1718**
Overall	2,031	2,021	**4,052**	2,025	1,996	**4,021**

Source: 2013 and 2014 Ministry of Education Statistics Report.

[11] The Education Act 2012 states the increase of school age from 15 to 16 years.

[12] An Area School is a school that provides education from early childhood through to secondary level on one site and under one management structure.

Table 8
Gross and net enrolment rates (%), 2013–2014

Year	*Net Enrolment Rate (%)*	*Early childhood education*	*Primary*	*Junior Secondary*	*Senior Secondary*
2013	Male	81	96	81	51
	Female	76	94	88	60
	Overall	78	95	84	55
2014	Male	77	96	82	5
	Female	79	96	84	58
	Overall	78	96	83	54
	Gross Enrolment Rate (%)				
2013	Male	85	102	95	64
	Female	82	101	105	82
	Overall	84	102	100	72
2014	Male	78	103	99	64
	Female	79	103	100	78
	Overall	78	103	100	71

Source: 2013 and 2014 Ministry of Education Statistics Report.

(a) Student to teacher ratio

Table 9
National student to teacher ratio 2008–2014

	2008	*2009*	*2010*	*2011*	*2012*	*2013*	*2014*
Early childhood education	15	15	15	16	14	16	14
Primary	15	15	16	17	17	17	17
Secondary	15	16	14	15	14	14	14

Source: 2013 and 2014 Ministry of Education Statistics Report.

69. Post-secondary training courses available in the Cook Islands include the Cook Islands Trade Training Centre, the Hospitality and Tourism Training Centre and a Cook Islands Nursing School. There is also a University of the South Pacific Campus.

70. The University of the South Pacific Cook Islands Extension Centre was established in 1975. The University gives high priority to identifying and providing programmes in areas not well provided for within the formal schooling system. It also focuses on those who miss out in the formal schooling system, especially early school leavers, community workers and those who are living in the outer islands and people who want the opportunity to retain and/or up skill themselves.

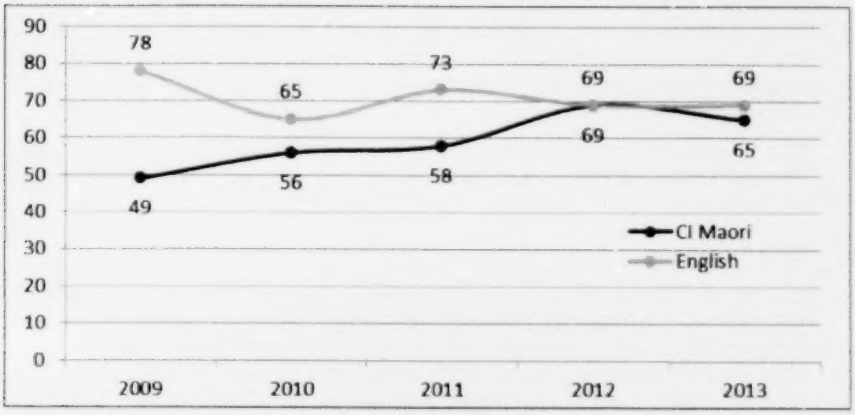
(b) Literacy

71. An increase in primary school literacy will lead to a literate adult population. There has been a focus on literacy in both English and Maori language since 2002, with the introduction of specific advisors initially in reading and more recently in literacy.

72. Literacy at primary level has been measured using different instruments. Between 1999 and 2006 formal diagnostic testing at Grade 4 and 5, using a standard test paper from the Minister, was used to assess literacy in both Cook Islands Maori and English. In 2007, this changed to the use of evidence gathered by teachers over the year using newly developed instruments.[13]

73. Grade 4 Maori literacy results show considerable improvement with an overall achievement rate of 69% in 2012, 11% from 2011 with significant gains on mainland Rarotonga. Grade 4 English literacy results showed an overall achievement rate of 69%, a slight drop (4%) from 2011–2012 and fractionally below the literacy targets for 2010–2015. Rarotonga showed continued growth and exceeded the literacy targets.

Figure 2
Grade 4 literacy achievement level (%) in Cook Islands Maori and English, 2009–2013



Source: 2013 and 2014 Ministry of Education Statistics Report.

(c) Progress towards achieving Education For All goals

74. The 2013 Education For All (EFA) Report states the achievements of each six EFA goals in the Cook Islands Education by the year 2015. Goal 1: Expand early childhood care and education includes a continued high enrolment rate on Rarotonga that has been maintained throughout the years which indicates the high value placed locally on early childhood education. Goal 2: Provide free and compulsory primary education for all includes an online programme (Te Kura Uira) allowing teachers/tutors on one island to teach a group of students on another island through the use of Skype and other related technology to enhance professional development opportunities for teachers working in the outer islands. Goal 3: Promote learning and life skills for young people and adults includes continued success rates of student participation and learning outcomes in various vocational training courses. Goal 4: Increase adult literacy by 50% includes support provided for learners involved in trades training, with a more intensive programme currently under development to address the literacy needs of inmates in the local prison. Goal 5: Achieve gender parity by 2005, gender equality by 2015 includes inclusive education values, which are incorporated in all school planning, the consideration of gender differences in

[13] Ministry of Education Statistics report 2013, pg. 18.

curriculum areas to be included in the review of the national curriculum. Goal 6: Improve the quality of education includes the endorsement of the Education Act 2012 by Parliament.

75. The National Certification in Educational Achievement (NCEA) has been in place since 2002. Secondary school students study courses based on achievement and unit standards at Level 1, 2 and 3 to attain credits towards an NCEA qualification. Credits can be gained through internal and external assessments.

76. NCEA Level 1 Literacy results are tracking above 2015 target at 95% pass rate in 2012 and just below 90% in 2013. Numeracy levels are similarly high and on track to achieve targets. The number of students achieving merit and excellence endorsements at Level 1 is increasing every year and the number of students achieving this high achievement at Level 2 and 3 is consistent.

14. Political processes

77. At the calling of the snap election, 9th July 2014, there were 8,430 people eligible to vote for 24 Members of Parliament. Any alleged irregularities or disputes regarding the outcome of the election and/or elected Members of Parliament is dealt with by way of petitions to the High Court.

78. Parliamentary seats are distributed as follows: Cook Islands Party 13 (12 males, 1 female), Democratic Party 8 (6 males, 2 females), and One Cook Islands 2 (both males), and Tied 1.

15. Media ownership

79. Of the four television networks (Cook Islands Television, Vaka TV, Sky Pacific and Hope Channel) available to Rarotonga based residents, all are private or religious operations. The various Outer Islands have individual television stations supported by the Island council. The three largest privately owned radio networks (Cook Islands Radio, 88FM and Matariki FM) attract listeners of all ages on Rarotonga, the Outer Islands and online radio streaming listeners. There are only two companies (privately owned) that provide daily and weekly newspapers.

16. Legal aid and reparations

80. Legal aid for criminal cases is available through the Ministry of Justice in limited circumstances. In 2012, the sum of $NZ40,000 was budgeted. There were 12 applications filed, of these 10 were approved and 2 declined. There is no civil legal aid available.

81. A judge can order an offender to pay compensation to victims if they have suffered emotional harm or had property lost or damaged as a result of crime. The amount of reparation ordered is the judge's decision after consideration of how much damage, loss or cost the person has incurred and the offender's ability to pay.

B. Constitutional, political and legal structure

1. Constitution

82. The Constitution of the Cook Islands was adopted and came into effect in 1965. It is the supreme law of the country with all other laws subject to it.

83. Part IVA Article 64, of the Constitution states:

> (1) It is hereby recognised and declared that in the Cook Islands there exist, and shall continue to exist, without discrimination by reason of race, national origin,

colour, religion, opinion, belief, or sex, the following fundamental human rights and freedoms:

(a) The right of the individual to life, liberty, and security of person, and the right not to be deprived thereof except in accordance with law;

(b) The right of the individual to equality before the law and to the protection of the law;

(c) The right of the individual to own property and the right not to be deprived thereof except in accordance with law;

Provided that nothing in this paragraph or in Article 40 of this Constitution shall be construed as limiting the power of Parliament to prohibit or restrict by Act the alienation of Native Land;

(d) Freedom of thought, conscience, and religion;

(e) Freedom of speech and expression;

(f) Freedom of peaceful assembly and association.

(2) It is hereby recognised and declared that every person has duties to others, and accordingly is subject in the exercise of his rights and freedoms to such limitations as are imposed, by any enactment or rule of law for the time being in force, for protecting the rights and freedoms of others or in the interests of public safety, order, or morals, the general welfare, or the security of the Cook Islands.

84. The Cook Islands constitutional framework also establishes the country's democratic parliamentary system of government. The doctrine of separation of powers requires the legislature, executive, and judiciary to be kept separate from each other to provide checks and balances within the system and to ensure accountability and impartiality. Cook Islands constitutional arrangements are also based on the rule of law.

2. Queen's Representative

85. Her Majesty Queen Elizabeth II (the Sovereign of the Cook Islands) is the Head of State. The appointment of the Queen's Representative in the Cook Islands is made by Her Majesty upon the recommendation of the Prime Minister and he/she shall hold office for a period of three years and may from time to time be reappointed. By law, the Queen's Representative appoints Ministers of the Crown as well as the Judges, and the Ombudsman, and dismisses them (following certain procedures). He/she may summon and dissolve Parliament and assent to bills and agree to regulations, and shall act on the advice of Cabinet, the Prime Minister, or the appropriate Minister as the case may be.

3. House of Ariki (Chiefs)

86. The Constitution provides for a House of Ariki comprising of 15 Ariki (Chiefs) appointed by the Queen's Representative. The function of the House is to "consider such matters relative to the welfare of the people of the Cook Islands as may be submitted to it by Parliament for its consideration, and it shall express its opinion and make recommendations thereon to Parliament". The composition includes one Ariki from each of the inhabited outer islands with Rarotonga represented by six Ariki.

4. Koutu Nui

87. In 1972 a second group, the Koutu Nui, comprising of traditional chiefs, although of a lesser status than that of an Ariki, was established. They may discuss and make recommendations or resolutions on any matter relating to the customs and traditions of the

Cook Islands. Any recommendations or resolutions may be conveyed by the Koutu Nui to the House of Ariki through the Clerk of the Parliament or to the Government of the Cook Islands through the Prime Minister.

5. Government system

88. The Executive: The Constitution provides for a Cabinet of Ministers comprising the Prime Minister and not fewer than six nor more than eight other Ministers "which shall have the general direction and control of the Executive Government of the Cook Islands, and shall be collectively responsible to Parliament". The Executive Council is comprised of the Queen's Representative and the members of Cabinet to consider such Cabinet decisions as may be required. By convention, the Prime Minister and other Ministers may hold office as Government only while they are able to win a vote in the House on matters of confidence and supply (finance). This means that Ministers are accountable to Parliament for the performance of the Government. Most Ministers are in the Cabinet. This is the body that makes policy decisions and supervises the administration of law and policy by the public servants.

89. The Prime Minister is head of Government, chairs Cabinet, and has a coordinating role across all areas of Government. By convention, the Prime Minister alone can advise the Queen's Representative to dissolve Parliament and call an election, or accept the resignation of Ministers.

90. Each Ministry of the public service has an appointed Minister as its political head and a public servant as its administrative head. The role of the public service is set out in various pieces of legislation, including the Public Service Act 2009, the Ministry of Finance and Economic Management Act and Official Information Act 2009. Constitutional principles and these statutes dictate that members of the public service act in accordance with the law and in the spirit of service to the community, provide free and frank advice to Ministers and give effect to ministerial decisions.

91. The Legislative: The Constitution establishes a sovereign Parliament for the Cook Islands, consisting of 24 members elected by secret ballot under a system of universal suffrage. Subject to the Constitution, Parliament "may make laws (to be known as Acts) for the peace, order, and good government of the Cook Islands, including laws having extra-territorial operation". Bills passed by Parliament become law only when they have been assented to by the Queen's Representative. Parliament's law-making power includes "the repeal or revocation or amendment or modification or extension, in relation to the Cook Islands, of any law in force in the Cook Islands".

92. Parliament has a number of special select committees that examine proposed legislation in detail and hear submissions from interested members of the public. These committees also hold inquiries within their subject area. They may call for public submissions and request evidence from organizations that may be the subject of the inquiry. After considering the evidence, the select committees may report to Parliament with findings and recommendations. The Government must respond to recommendations within 90 days.

93. Parliament therefore plays an important role in the promotion and protection of human rights in the Cook Islands, first and foremost by representing the views of the people. It exists not only to legislate but also to scrutinize legislation and hold the executive branch of Government to account. Parliament also supervises the Government through the annual grant of financial authority and scrutiny of delegated powers and functions. Sessions of Parliament are broadcast live on radio in both English and Cook Islands Maori.

94. The Judiciary: The independence of the Judiciary is an important element of the doctrine of separation of powers and is vital for maintaining the balance of power. The independence of the Judiciary is protected by:

- The Constitution;
- The concept of the Rule of Law;
- The process of appointment and removal of judicial officers, and conditions of their appointment; and
- The immunity of judges and justices from civil actions.[14]

6. The courts

95. The **Privy Council** is the highest and final appeal court for the Cook Islands. It held its first sitting on two Cook Islands cases on the 18-19 April 2012. It handed down its decision on both cases on the 22 October 2012.

96. The **Court of Appeal** of the Cook Islands established under Part IV, Article 56 of the Constitution of the Cook Islands. It has a jurisdiction to hear and determine any appeal from a judgment of the High Court. Judges of the Court of Appeal are appointed under Article 56(2) of the Constitution.

97. The **High Court** of the Cook Islands was established by Article 47 of the Constitution of the Cook Islands. The High Court is divided into three divisions namely: Criminal, Civil and Land. All Judges of the High Court of the Cook Islands are appointed under Article 52 of the Constitution. The Chief Justice is responsible for allocating Judges to preside over criminal and civil cases in the High Court.

(a) Judges

98. The Judiciary is headed by the Chief Justice of the Cook Islands, currently the Hon. Thomas Crowley Weston QC. All judges in the Cook Islands serve on a part-time basis when courts are in session and are either former Judges of the High Court of New Zealand, current New Zealand District Court Judges or New Zealand Maori Land Court Judges, or practicing senior lawyers in New Zealand.

(b) Justice of the Peace

99. Justices of the Peace (JPs) are appointed under Article 62 of the Constitution. JPs are entitled to sit as judicial officers (Lay Magistrates) in the High Court either as part of a Court of three or individually (the jurisdiction is conferred by statute). As a matter of practice, only a limited number of JPs are approved by the Chief Justice to sit in the High Court. In 2012-13 period, there were 12 JPs based in Rarotonga with approval to sit, six male and six female. Those JPs based in Aitutaki with approval to sit were, four JPs, two male and two female. All JPs have a limited jurisdiction to deal with preliminary calls related to criminal matters.

7. Electoral system

100. The Cook Islands first Parliamentary elections were held on 20 April 1965 to initially elect 22 Members of Parliament. The electoral system adopted then and still is the simple plurality system referred to as "first past the post" system. This has resulted in the

[14] Cook Islands Justice Bench Book, Second Edition 2012.

establishment of two dominant political parties, the Cook Islands Party and the Cook Islands Democratic Party Inc.

101. The Constitution of the Cook Islands makes provisions for elections of Members of Parliament. Part 2, Article 6 provides for the nature of elections which states: Parliament shall consist of 24 members, to be elected by secret ballot under a system of universal suffrage by the electors of the following islands or groups of islands or areas and in the following numbers:

Table 10
National constituency distribution

Southern Group Islands		*Northern group islands*	
Island	*Number of Constituencies*	*Island*	*Number of Constituencies*
Rarotonga	10[15]	Manihiki	1
Aitutaki	3	Penrhyn	1
Atiu	2	Pukapuka and Nassau	1
Mangaia	3	Rakahanga	1
Mauke	1		
Mitiaro	1		

Source: Cook Islands Electoral Act 2004.

102. The Cook Islands Electoral Act 2004 provides the framework for the election process. Part 1 of the Act stipulates the appointment of the Electoral Office and Officials to administer every election under this Act. Part 2, Section 7, stipulates that every elector must be 18 years of age and over. The registration of all qualified electors is compulsory. Failure to register is an offence against the Act.

103. There are no restrictions on the basis of sex on who can become a Member of Parliament. There is no legal barrier to the participation of women in national elections. Article 28 of the Constitution relates to the qualification of electors with no distinction between men and women (although there are residential requirements). There is no official age of majority, however, under the Electoral Act 1998, a person of 18 years is eligible to vote and stand for election to Parliament.

104. Section 28A of the Constitution stipulates the qualification and disqualification of electors. To qualify as an elector, one has to be a Cook Islander, a New Zealand citizen or hold the status of a permanent resident. An elector has to at some time continuously resided in the Cook Islands for a period of not less than 3 months. A person is disqualified from being an elector if he/she was subsequently absent from the Cook Islands for a continuous period of 3 months or more. However to re-qualify as an elector, one must return at any time thereafter and continuously reside in the Cook Islands for a period of not less than 3 months. And pursuant to Section 28B of the Constitution, every person enrolled as an elector of any constituency shall be capable of being elected as a candidate for that constituency or for any other constituency.[16]

105. The Constitution and Electoral laws provide equal opportunities for women and men to contest elections. Currently there are 3 women Member of Parliaments (8% of all 24 Members of Parliament).

[15] Including Island of Palmerston.
[16] Cook Islands Constitution Act.

8. Island Government (Pa Enua)

106. The Island Government Act 2012-13 is an Act to provide for the good governance of islands other than Rarotonga. The objectives of this Act are: a) to foster good governance by all Island Governments; b) to promote accountability of Island Governments to their island communities; c) to encourage community participation in the governance of each island through transparency and consultation; d) to encourage Island Governments and the island community to progressively assume responsibilities as and when they are able to do so; and e) to enable Island Governments and their island communities to decide on how best to promote the social, economic, cultural and environmental well-being of the respective islands.

107. The composition of the membership of an Island Government comprises a Mayor elected by all persons who are electors of the island; elected constituency councilors; invested Ariki, a representative of the Aronga Mana (Mataiapo); and the Members of Parliaments for the island. The functions of Island Government are to provide good, efficient and effective governance for the island.

108. Election of elected members is governed under the Electoral Act 2004, and is held every 4 years. All voting must be by secret ballot. Eligible electors are Cook Islanders of the age of 18 years or older and who have been ordinarily resident on the island and in the relevant constituency for a continuance period of not less than 3 months prior to registration for an election.

Table 11
Island Government constituencies and number of councillors

Name of Island	*Constituencies*	*Number of councillors*
Mangaia	6	6
Aitutaki	8	8
Atiu	5	5
Mauke	5	5
Mitiaro	4	4
Penrhyn	5	5
Manihiki	6	6
Rakahanga	5	5
Palmerston	6	6
Pukapuka/Nassau	6	6
Total	**56**	**56**

Source: Island Government Act 2012-13.

109. The Island Government elections held in 2002, results with eight female and 117 male candidates. Four women were elected.

9. Civil society organisations

110. The Incorporated Society Act 1908, states that all non-profit organisations in the country are to be registered at the Ministry of Justice. Since 1971, about 452 Incorporated Societies have registered, as at date 177 are operational. The sector scope ranges from service-type organisations to those that offer citizens the opportunity to express their wider interest and values (for instance: religious, sports, youth, growers, women, cultural,

professional, fisheries, educational, welfare, social and service organisations, and environment).

111. To formalize the partnership between Government and civil society organisations, Memorandum of Understanding agreements have been signed between them, for example, the Ministry of Health and Cook Islands Red Cross; Ministry of Police with Cook Islands Women's Counseling Centre (Punanga Tauturu Inc.).

II. General framework for the promotion and protection of human rights

A. Cook Islands acceptance of international human rights norms

112. Although the Cook Islands is not a member of the United Nation in its own right, it has acceded to a number of United Nations human rights instruments. This includes:

- Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956);
- Convention on the Nationality of Married Women (1957);
- International Covenant on Economic, Social and Cultural Rights (1966);
- International Covenant on Civil and Political Rights (1966);
- International Convention against the Taking of Hostages (1979).

113. The Cook Islands is a member of a range of international organisations, including various specialized agencies such as the Asian Development Bank, the Pacific Islands Forum, the World Health Organization, the Food and Agriculture Organization of the United Nations, the International Civil Aviation Organization, and the United Nations Educational, Scientific, and Cultural Organization, and is also an Associate Member of the Economic and Social Commission for Asia and the Pacific.

114. In addition, the Cook Islands acceded to the Convention on the Elimination of All Forms of Discrimination against Women in its own right on 11 August 2006, and withdrew all reservations made to the Convention on 30 July 2007. On 3rd August 2007, the Committee on the Elimination of Discrimination against Women examined the Cook Islands' initial report and subsequent reports covering the period up until 30 June 2005. The State party acceded to the Optional Protocol to the Convention, which came into effect in October 2007.

115. The Cook Islands ratified the Convention on the Rights of the Child on 6 June 1997. On 26 January 2012, the Committee on the Rights of the Child examined the Cook Islands' initial report. The State party has reservations to articles 2 and 10 of the Convention. Consideration is now being given to withdrawing the two reservations in light of recent amendments to domestic legislation which led to the initial deposit of the reservations.

116. The Cook Islands acceded to the Convention on the Rights of Persons with Disabilities in 2009, in its own right and also to the Optional Protocol to the Convention, which came into effect in 2009.

117. The Cook Islands have adopted a number of declarations on youth development such as: the Commonwealth Youth Programme Plan of Action for Youth Empowerment (PAYE); Pacific Youth Strategy 2010 (PYS2010); Pacific Youth Charter; Pacific Plan; Pacific Tofamamao 2015 Declaration of the Pacific Youth Summit for MDGs.

118. The Cook Islands engages with Pacific Island Countries and Territories primarily through the Council of Regional Organizations of the Pacific family of agencies such as the Pacific Islands Forum Secretariat, the Forum Fisheries Agency, Fiji School of Medicine, the Pacific Island Development Programme, the Secretariat of the Pacific Community, the Secretariat of the Pacific Regional Environmental Programme and the University of the South Pacific.

B. General legal framework for the protection of human rights at the national level

1. How human rights instruments are made part of the national legal system

119. In the Cook Islands for an international agreement to have domestic effect, its provisions must be reflected in Cook Islands existing law or new legislation must be enacted by Parliament. However, the courts do use international human rights standards to justify decisions. For example, *Quarter v R* in 2011, a prison sentence for an offender who had just given birth was deferred for six (6) months to make allowances for the special needs of both the mother and the baby. The court referred to the best interest of the child and the fact that Cook Islands is a State party to the Convention on the Rights of the Child.

2. Role and activities of Parliament in promoting and protecting human rights

120. Parliament exists not only to legislate but to scrutinize and hold the Executive to account. It achieves this role through formalized processes for Parliamentarians to put questions to the government (both written and oral) and through Parliamentary debates. In addition, there are opportunities for members of the public to present submissions to select committees of Parliament outlining their concerns or suggestions with respect to draft legislation.

121. Key pieces of legislation and relevant authorities in this regard are described in the following paragraphs.

(a) Cook Islands Constitution Act, 1964

122. Part IV A – Fundamental Human Rights and Freedoms, of the Constitution affirms the country's commitment to the International Covenant on Civil and Political Rights. Voting rights are also provided for under the Constitution.

123. The Solicitor-General is required to bring to Parliament's attention any provision of a bill that appears to be inconsistent with any of the human rights and freedoms contained in the Constitution of the Cook Islands.

(b) Ombudsman's Act, 1984

124. The Office of the Ombudsman, established under the Ombudsman's Act 1984, may investigate any decision, recommendation or act relating to a matter of administration and affecting any person or body of persons in her, his or its personal capacity in any Government Ministry or Board.

(c) Cook Islands Disability Act, 2008

125. The Act came into force in June 2008. This Act provides for the government to institute and maintain a Disability Strategy in respect of persons with disabilities, to make discrimination against a person with a disability unlawful and to ensure that persons with disabilities have access to certain buildings and to footpaths.

126. Part 2 Discrimination Section 8 Rights of Persons with Disabilities — shall be entitled to the same rights and privileges as all other person and in particular those rights granted by the Constitution of the Cook Islands. Section 8 Prohibition against discrimination — No person shall discriminate against a person with a disability, and any such discrimination shall be unlawful. In the area of employment it is now a requirement to:

- Employ a person with a disability if qualified;
- Offer equal terms and benefits;
- Not to terminate employment.

127. In the event of unlawful discrimination in respect of persons with disabilities that person may make a complaint to the Office of the Ombudsman. Under this Act, the Ombudsman's jurisdiction was extended to investigate complaints against any person (whether public or private sector) of discrimination against the disabled.

(d) Official Information Act, 2009

128. The Act was passed in February 2008 and came into force in February 2009. The Act is designed to make official information more freely available consistent with the public interest, preservation of personal privacy and to establish procedures for those purposes. The definition of official information is set out in section 2 of the Act and the bodies to which the Act is applicable are listed in Schedules to the Act and Ombudsmen Act. Generally, Ministers, government departments and all agencies of government are subject to that Act.

(e) Education Act, 2012

129. The Act states that the Education system will ensure that everyone involved is treated with dignity, respect and understanding, in a way that is consistent with the fundamental human rights and freedom stated in Article 64 of the Constitution of the Cook Islands and of all human rights treaties to which Cook Islands is a party.

(f) Employment Relations Act, 2012

130. This Act is to reform the law concerning employment relations and the negotiation of individual and collective employment agreement in the employment sector in the Cook Islands. This includes the guaranteed maternity leave for female employees in both the government and private sector. In addition, Part 5 of the Act stipulates discrimination, harassment and duress. Under section 53 it is prohibited to discriminate on the grounds of race, ethnic origin, skin colour or appearance, national origin, opinion and belief, religion, gender or sexual preference, disability, age, health status, and maternity.

(g) Public Service Act, 2009

131. The purpose of the Act is to consolidate the law relating to the Public Service; and ensure that the members of the Public Service are impartially selected, fairly remunerated, and administratively competent. Part 4 of the Act stipulates the Values of the Public Service that includes honesty, impartiality, service, respect, transparency, accountability and efficiency and effectiveness. The Act includes the duty to act as a good employer. A "good employer" operates a policy that contains provisions generally accepted as necessary for the fair and proper treatment of employees with respect to all aspects of their employment.

(h) Traditional Knowledge Act, 2013

132. This Act is to give legal recognition to rights in the traditional knowledge of the traditional communities of the Cook Islands and help those communities, and the holders of those rights, to protect those rights for the benefit of the people of the Cook Islands.

(i) Ministry of Health Act, 2013

133. This Act repeals the Ministry of Health Act 1995/1996 and comprehensively provides for the functions and powers of the Ministry of Health under modern and reformed arrangements. Part 5 of the Act provides responsibilities for international health related conventions and Part 6 provides protecting the rights of patients, relating to medical records and health information. In addition, interventions to protect the rights of the elderly, infirm patients and persons under the care of the Ministry of Health.

(j) Government departments

(i) Division for disability issues

134. This Division was established in 1993 and supports social protection and wide recognition on the rights and dignity of persons with disabilities in order to improve their quality of their lives by ensuring opportunities for people with disabilities to participate fully and prosper in the social, economic and cultural life of the nation and is located within the Ministry of Internal Affairs.

(ii) Division for gender and development

135. This Division was established in 1993 and is located within the Ministry of Internal Affairs. Their role is to coordinate, advise, inform and provide technical assistance to the different assistance to the different levels of Government for addressing gender inequalities and issues related to violation of women's human rights and coordinate the Government's efforts for addressing those issues.

(iii) Division for the children and family at risk issues

136. This Division was established to support and promote safe, healthy home environments for children and families through delivery of care and protection services. It targets unsafe or at risk children in the Cook Islands to prevent any form of harm, neglect and abuse through family counseling, home visits, assessments, family group conferencing processes, while ensuring that all children are provided with appropriate proactive care and protection, and positive outcomes.

3. Enforcement of human rights instruments by domestic courts and other authorities

137. Generally, for an individual to take a case on rights protected by international human rights instruments, the rights need to be incorporated into domestic statute law.

Remedies, compensation and rehabilitation

138. Individuals who consider that any of their rights under the Constitution of the Cook Islands have been infringed can bring an action against the Crown.

139. Under Part V, Article 63 of the Employment Relations Act 2012, some jurisdiction in relation to personal grievance claims and claims concerning a breach of an employment contract. Matters covered by personal grievance procedures include claims of unjustified dismissal, or suffers harassment in employment discrimination in particular areas, unjustifiable action by an employer, sexual and racial harassment and duress in relation to

membership or non-membership of an employees' organisation. Decisions on the nature and extent of the remedies can be appealed in Court.

140. Cook Islands citizens may also avail themselves of the complaint provisions under the individual communication procedures contained in both the first Optional Protocol to the Convention on the Elimination of all forms of Discrimination against Women and also in the Optional Protocol to the Convention on the Rights of People with Disability.

C. General framework for the promotion of human rights at the national level

1. National Sustainable Development Plan

141. The Cook Islands Government latest revised (Kaveinga Nui) National Sustainable Development Plan 2011-2015 (NSDP) provides the framework and linkages amongst the pillars of the country's journey towards sustainable development. This is the second planning phase of the Cook Islands journey towards the achievement of desired 2020 development outcomes and National Vision – "to enjoy the highest quality of life consistent with the aspirations of our people, and in harmony with our culture and environment". The NSDP includes government's commitment to support and promote Human Rights by putting the people of the Cook Islands at the centre of the development of the country.

142. The development journey of the Cook Islands during 2011-2015 places people at the centre. The journey is based on the following seven guiding principles giving priority attention to elements essential to provide people quality of life, and reflect the key pillars needed to realize our national vision:

(a) Leadership – strong and decisive leadership at all levels of society (in partnership with the private sector and civil society).

(b) Partnership – collaboration of Government, traditional leaders, the private sector and members of the community, and where appropriate supported through cooperation with regional and international partners.

(c) Transparency and accountability – essential for the efficient functioning of the Cook Islands economy and for fostering social wellbeing.

(d) Social cohesion – ensure the unity of people around a set of shared values and responsibilities and a common sense of nationhood.

(e) Equity – facilitate and ensure quality of opportunity and equal rights for all people, and promote human rights.

(f) Sustainability – effective integration of economic, social and environmental issues in order to make the wisest use of capital stocks to meet the needs of current and future generations.

(g) National development – encourage and promote development on a truly national scale by including both Rarotonga and all island communities of the Cook Islands in decision making, optimal use of resources in all areas, and facilitate the development of multi-sectoral and spatial linkages.[17]

[17] Te Kaveinga Nui. National Sustainable Development Plan 2011-2015.

2 National human rights institutions

143. There is no human rights institution in the Cook Islands. However in November 2007, Cabinet appointed the then Ombudsman to "be in charge of the Cook Islands Human Rights office". This has been interpreted to mean that Cabinet has issued a directive for the Ombudsman to set up a Human Rights division within the Ombudsman office. This has not made any progress, but there is the possibility that the Government of the Cook Islands will in the near future look towards establishing a national human rights institution after holding relevant consultations with relevant stakeholders. Cook Islands may request to the International community to consider the provision of technical assistances to the establishment of a human rights institution.

3. Human rights education and information

144. Human rights education and information is delivered through various measures. The Cook Islands do not have a Government Ministry or Agency, Ombudsman or Commission responsible for the oversight of human rights implementation. Directly or indirectly, each Government Ministry or Agencies contributes to the promotion and implementation of human rights.

145. The promotion of the Convention on the Rights of the Child is the responsibility of the newly established National Advisory Committee for Children (NACC) 2013 under the coordination of the Child and Family Division of the Ministry of Internal Affairs. Awareness programmes include workshops, advocacy, global awareness days, and commemorations of international human rights day, media and community family group meetings.

146. The promotion of the Convention on the Elimination of All Forms of Discrimination against Women is coordinated by the Gender and Development Division of the Ministry of Internal Affairs in partnership with the National Council of Women and Punanga Tauturu Inc. Awareness programmes include gender policy, workshops and conferences, outer islands training workshops, media campaign productions, surveys, commemoration events on International Women's Day and 16 Days Activist Campaign on Elimination of Violence Against Women and Human Rights Day.

147. The promotion of the Convention on the Rights of Persons with Disabilities is coordinated by the Disability Division of the Ministry of Internal Affairs in partnership with the National Disability Council. Awareness programmes include workshops, community meetings, disability centre projects, and media campaign productions.

4. Human rights training for public officials

148. The Cook Islands has benefitted from various human rights awareness and training initiatives conducted by numerous technical agencies since 1990. The human rights training provided is aimed at equipping government officials with information on human rights norms and standards to better their understanding of their work. In addition, the Secretariat of the Pacific Community/Regional Rights Resource Team, legal literacy tailored training has enabled Justices of the Peace, lawyers, police officers and Judges alike to apply human rights norms and standards to their decisions.

149. Ongoing human rights awareness including gender analysis training has been extended to all of the outer islands targeting Island Councils, government officials, community representatives including religious groups, women and youth organisations. Financial assistance from development partners made it possible to extend training in the outer islands.

150. There are dedicated advisory committees and human right trainers that deliver human rights education to a wide range of civil society, public and private organisation. Education programmes cover the Constitution of the Cook Islands, Part IVA, Article 64, Fundamental Human Rights and Freedom, integration of human rights in policy and practice, workshops on the various international human rights instruments, including the Convention on the Rights of Persons with Disabilities, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women.

5. Publication of human rights instruments

151. To date, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities have been translated into the Cook Islands Maori language and been widely disseminated on Rarotonga and the outer islands. These publications are used as resource material in training workshops and awareness programmes in the Cook Islands. Thematic publications are done on an ad hoc basis depending on events, and resource availability because there is not a dedicated human rights commission.

6. Role of civil society, including non-governmental organisations

152. Non-governmental organisations continue to play an active role in the promotion and protection of Human Rights in the Cook Islands. They operate as lobby groups putting forward submissions to government on matters of particular concerns, and some of these agencies have received funding from government to assist in their work.

153. Key umbrella bodies and affiliate organization in this regard are described in the following paragraphs:

- **The Cook Islands National Council of Women** was established in 1984 and has pioneered many of the advances for women, especially the development and implementation of the National Policy on Women. The role of the Council is to serve as a focal point for the civil society organisations and to facilitate information sharing and collaboration. It plays a key role in disseminating information to the Cook Islands population about women's human rights; it will continue to monitor progress and report on the remaining gaps for achieving gender equality and protection of women's human rights.
- **The Cook Islands National Disability Council** has been instrumental in creating awareness about issues including access to education, freedom of speech, creation of employment opportunities, accessibility to private and public buildings, amenities and facilities, cultural and social development programmes on and for people with disabilities at local, national, regional and international level.
- **The Cook Islands National Youth Council**, established in 1996 is the umbrella body with approximately 35 affiliated members, including all outer islands, religious groups and internationally affiliated groups. Youth groups organize and conduct their own human rights awareness programmes and training workshops.
- **Punanga Tauturu Inc., (PTI)** was founded in 1994. Its work with women and children involves the provision of legal advice, support and counselling to victims of domestic violence. It also conducts awareness programmes on domestic violence, child abuse and sexual assault. It works with relevant government departments and non-governmental organisations on all matters related to human rights and legal literacy, partly through its training, education and awareness programmes. PTI's partnerships with the Pacific Regional Rights Resource Team (RRRT), and the Fiji Women's Crisis Centre.

- **The Cook Islands Male Advocacy Group** focuses on male members of the community in order to change attitudes, educate, advocate, support and reduce domestic violence. This group is fairly new but is already active in the community, both on Rarotonga and in the Outer Islands.

- **Te Kainga O Pa Taunga** – Mental Health and Wellbeing Centre is the only Cook Islands non-governmental organisation that is devoted exclusively to mental health and related services. The service delivers regular awareness programmes with the aim of building capacity for early diagnosis and treatment. Te Kainga O Pa Taunga Centre provides services that include: counselling and information, psychiatric, drug and alcohol assessments, support for caregivers, referrals for medical consultations and psychiatric reviews, stress and anger management, psychosocial rehabilitation, support for families of people with alcohol-related problems, as well as community awareness and training programmes.

- **The Creative Centre** – A service for Adults with Impairment – supports and encourages its members to develop their skills and personality as part of achieving their full potential. The three areas of priority are greater community participation, realistic employment opportunities and links to education al qualifications. Members learn social, home and life skills.

- **Te Vaerua Rehabilitation Centre** – is committed to giving persons with disabilities a chance to reach their maximum potential, notwithstanding their physical or mental challenges, and to providing them with access to the healthcare, health services and rehabilitation that they need, to improve the quality of their lives. Te Vaerua provides physical rehabilitation support services (in particular physiotherapy and occupational therapy); provides home care support for persons with disabilities or serious injuries; provides assistive devices and equipment for persons with disabilities or serious injuries; provides caregiver services and training for caregivers.

7. Promotion of human rights through social media

154. The Ministry of Foreign Affairs and Immigration website provides users with access to submissions, discussion papers, and responses to frequently asked questions on human rights treaties the Cook Islands is party to. Ministry of Internal Affairs website provides users with access to endorsed country reports to the three treaties it coordinates plus programmes and projects to promote human rights. Also other government departments websites provide users with information's and printed materials are made available in various government office including health clinics and national library.

155. Human rights information is also provided via printed materials including, discussion papers, news releases, situation-specific human rights guidance, posters provided in English and Cook Islands Maori language.

156. The Cook Islands Parliamentary sitting is broadcasted live on Cook Islands radio in both English and Cook Islands Maori language. Court decisions are published in the Cook Islands News print publication for public information.

D. Role of reporting and promoting human rights at the national level

National coordinating structure for reporting under treaties

157. The Ministry of Foreign Affairs and Immigration is responsible for the overall coordination of the preparation of Cook Islands reports to United Nations human rights treaty bodies.

158. The Ministry of Internal Affairs is responsible for preparing country reports on three human right treaties, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and the Convention on the Rights of the Child.

159. The reporting process includes extensive consultation with both government agencies and non-governmental organisations, including women, youth and sports, religious groups, community and traditional leaders throughout the Cook Islands. This process provides opportunities to enhance both public and government understanding of the conventions. Collaborative efforts between government and non-governmental organisations to further publicize the convention in the community. The translation of the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities in the Cook Islands language.

Roles of the legislature

160. Cook Islands country reports are submitted to Cabinet for approval before being submitted to the United Nations Secretariat via the Ministry of Foreign Affairs and Immigration.

Publication of reports

161. The relevant United Nations Human Rights periodical reports, including the specific questions of the Committee is available free of charge to the general public through the Ministry of Foreign Affairs and Immigration website.

III. Information on non-discrimination, equality and effective remedies

A. Non-discrimination and equality

162. The principle of non-discrimination on the basis of sex is enshrined in the Constitution and other laws. For example, the equal status of women is recognised by s.95 of the Judicature Act 1980-81 which equates the legal capacity of a married woman to that of an unmarried woman and abolishes the common law rule that for certain purposes a husband and a wife are deemed to be one person.

163. The Matrimonial Property Act 1991-92 recognises the equal contributions of husband and wife to the marriage partnership and provides for the just division of matrimonial property between the spouses if their marriage ends. Both men and women have equal rights to claim custody and maintenance of children, and in custody cases the paramount issue is the welfare of the child (See Article 16).

164. The Race Relations Act 1972 affirms and promotes racial equality in the Cook Islands and is intended to implement the International Convention on the Elimination of All Forms of Racial Discrimination. It prohibits all forms of racial discrimination on the basis of colour, race, ethnic or national origin.

165. Some protection is provided to women employed in the public sector under section 17 of the Public Service Act 1995-96. This requires the Head of Ministry (HOM) to be a "good employer." This is defined to include adopting measures, such as policies, which result in the fair and proper treatment of employees, and in the impartial selection of suitably qualified persons for appointments.

B. Social protection and education

166. The Government funded social welfare system of the Cook Islands includes transfer payments in the form of Child, Destitute, Carer's, Pension and power subsidy. This system is administered through the Welfare Division of the Ministry of Internal Affairs. From 1st March 2014, Government increased the pensions by 25 per cent. Those who are aged over 70 years collect NZ$625 per month and for those between the age 60 and 70 years collect NZ$500 per month. All other ongoing social welfare payments increased by 10 per cent. The child payment is NZ$66 per month per child up to the age of 12 years. The destitute payment is NZ$165 per month, carer's allowance is NZ$165 per month and power subsidy is NZ$22 per month paid to pensions. A one-off payment of NZ$1,000 is provided to mothers for their new born babies as maternity payments.

167. In 2012, three social protection pilot projects for home care and nursing services for the elderly and people with disabilities were established on mainland Rarotonga and Outer Islands – Atiu and Mangaia, supported through the Asian Development Bank by the Japan Fund for Poverty Reduction. These projects are managed by the Ministry of Internal Affairs.

168. Early childhood education (ECE) had been a priority for the Ministry of Education. Quality ECE and the skills it develops in the very young establish a base for positive educational outcomes in formal schooling. Parents and the community have an important role to play in this development and the Ministry must make sure it supports parents in this role as well as continuing to focus on quality personnel and resources in the Early Childhood sector. The following strategies have been identified to support the continued development of ECE:

(a) An Action Research (AR) approach to the continued professional development of ECE teachers;

(b) Individual teacher Needs Analysis on practice and determining interventions for change;

(c) Pay parity for ECE teachers;

(d) Significant improvement in the physical learning environment and the specific health and safety requirements of this learning area;

(e) Lowering of the eligibility age for funded ECE to 3 years.

C. Health

169. The Ministry of Health Act 2013 is the overarching legislation that guides the implementation and provision of health services in the country to all citizens regardless of age, gender or ethnic-background.

170. The introduction of the World Health Organization – Package of Essential non-communicable disease (PEN) interventions for Primary Health Care in 2013 through the training and upskilling of medical practitioners in the Cook Islands in an effort to reduce non-communicable disease (NCD) rates, is envisaged to assist in the early detection of potential NCD cases to support patients to proper self-care; in addition, protection of the poor or vulnerable populations from NCD outcomes i.e. stroke etc.

171. The Ministry of Health in partnership with non-government organizations such as "Te Kainga" Mental Health Facility which was established in 2004 provides four main mental health services including psychiatric services, crises, assessment and treatment, counseling and drug and alcohol programme. Other services include family services,

support services (respite care) and Information, Education and Research services. Health care professionals skilled and trained within this service include a medical clinician and a nurse.

172. Free health checks are periodically provided as an initiative for monitoring of the health status of our people, at workplaces, schools and community groups by the Ministry of Health.

173. Initiatives for public awareness and promotion of healthy living include tobacco smoking cessation; end it now violence, suicide campaign social marketing, behaviour change strategies and lifestyle modification programmes. The national budget and external aid assist with the annual implementation of these initiatives.

174. The maternal health clinics provide free infant and child health checks in the community by trained public health nurses. The obstetrics and gynaecology clinic provides screening, pre and post pregnancy care, family planning and general women's health services. In addition, the Cook Islands Family Welfare Association, the national affiliate of the International Planned Parenthood Foundation (IPPF), partners with the Ministry of Health in the provision of these services for women and girls to the community.

D. Public information and social marketing

175. The Cook Islands use social marketing campaigns, educational programmes and public information campaigns aimed at changing attitudes and behaviours. Listed below are examples of recent campaigns aimed at these goals:

176. "'Break the silence, end the violence' campaign. It involves television, radio and print advertising, online ads, shop and road banners supported by strong stakeholders" action. The message "family violence is not ok – but it is ok to ask for help".

177. Health Campaigns, for example, regular public information campaigns urging people to take part in smoking cessation programmes, immunization or screening programmes. "Smoke free home" campaign aim at the household levels.

178. "Occupational Safety Hazard" campaign is a health section aim to help people to participate fully in society and exercise choice about how to live their lives.

179. "Talk about it" campaign. This consists of printed materials, television advertisements to promote the youth helpline service towards changing lives of young people to make better choices on how to live their lives.

180. "To be seen, heard and counted" campaign. This campaign is aimed at making people with an intellectual disability feel included in society and changing perceptions about people with intellectual disabilities this consists of printed materials, television and radio talk back shows.

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Annex

Sources of Cook Islands Law

Constitution of the Cook Islands – the supreme law;

Acts of the Cook Islands Legislative Assembly (prior to 1981) **and the Parliament of the Cook Islands** (after 1981) made with the consent of the New Zealand High Commissioner, and, from 1982, with the consent of the Queen's Representative;

Ordinances – in force in the Cook Islands immediately before 4 August 1965, until repealed by Parliament (Art 77 Constitution);

Acts of the Parliament of New Zealand – extended to the Cook Islands by the Cook Islands Act 1915 which have been either:

- Applied to Cook Islands by their own terms; or
- Adopted by New Zealand Laws Acts enacted by the Legislative Assembly of Cook Islands in 1966, 1967, 1968, 1969, 1970, 1973 and 1979;

Acts of the British Parliament in force in New Zealand on 1 April 1916, except so far as inconsistent with Cook Islands Act 1915 (N.Z.) or inapplicable to the circumstances of the country, and until repealed by Parliament (s.615 Cook Islands Act 1915 (N.Z.); Art. 77 Constitution);

English common law and equity – except so far as inconsistent with the Cook Islands Act 1915 (NZ) or inappropriate to the circumstances of the country or inconsistent with the Constitution (s. 615 Cook Islands Act 1915 (NZ); Art. 77 Constitution). A variety of Cook Islands case law is also relevant;

Custom – for the purpose of ascertaining the right to customary land and titles (sections 421, 422, 426 Cook Islands Act 1915 (NZ); Art. 77 Constitution).

Customs, traditions, usages, and values: Following an amendment to the Constitution in 1994-5, Parliament has power to make laws recognising or giving effect to custom and usage. Wider than matters relating to land and titles, the amendment provides that "customs, traditions, usages, and values shall have effect as part of the law of the Cook Islands." This provision does not apply in relation of any custom, tradition, usage or value "that is, and to the extent that it is, inconsistent with a provision of this Constitution or of any enactment." (Section 7 Constitution Amendment (No. 17) 1994-95). For the purposes of the Constitution, the opinion or decision of the "Aronga Mana" of the island or Vaka to which the custom, tradition, usage or value relates about the existence, application or extent of custom "shall be final and conclusive and shall not be questioned in any court of law."